

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Criminal No. 20-cr-252 (WMW/HB)

Plaintiff,

v.

Scott Joel Velisek (1),  
Del Corey Crandell (3),  
Leslie Marie Cloud (4),  
Nicole Lee Chaparro (6),

Defendants.

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**SECOND AMENDED  
ARRAIGNMENT NOTICE AND  
SCHEDULING ORDER AS TO  
DEFENDANTS VELISEK,  
CRANDELL, CLOUD, AND  
CHAPARRO**

This matter is before the Court on Defendant Nicole Lee Chaparro's Motion for Continuance and to Excludable Delay (ECF No. 71) and Defendant Scott Joel Velisek's Motion for a Continuance of Motions Filing, Motions Hearing Date, and Trial Date (ECF No. 73). Having reviewed the motions, and the statement of facts, and the files and records herein, understanding the government does not object to the extensions, and finding that good cause has been shown,

**IT IS HEREBY ORDERED** that the Motions (ECF Nos. 71, 73) are **GRANTED** as follows:

1. Defendant Leslie Marie Cloud (4) shall be arraigned at the motions hearing before the undersigned United States Magistrate Judge on **March 12, 2021**, at **1:00 p.m.**, by ZOOMGOV video technology.

2. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **February 18, 2021**.<sup>1</sup>

D. Minn. LR 12.1(c)(1).

3. **Counsel shall electronically file a letter on or before February 18, 2021, if no motions will be filed and there is no need for hearing.**

4. Each Defendant must file a consent that any evidentiary hearing on the motions may proceed by video means, or a notice that Defendant does not so consent, as soon as possible, but in any event no later than **February 18, 2021**. Any delay in filing the notice regarding consent could result in a postponement of the hearing.

5. All responses to motions and any Notice of Intent to Call Witnesses<sup>2</sup> shall be filed by **March 4, 2021**. D. Minn. LR 12.1(c)(2); D. Minn. LR. 12.1(c)(3)(A).

6. Any Responsive Notice of Intent to Call Witnesses<sup>3</sup> shall be filed by **March 8, 2021**. D. Minn. LR 12.1(c)(3)(B).

7. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

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<sup>1</sup> “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

<sup>2</sup> “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

<sup>3</sup> “If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s

- a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response.

8. If required **and if each Defendant consents to proceed by video means**, the motions hearing shall be heard before Magistrate Judge Hildy Bowbeer on **March 12, 2021**, at **1:00 p.m.**, by ZOOMGOV video technology. If any Defendant declines to proceed by video technology, the parties will be provided with a hearing date by separate order. D. Minn. LR 12.1(d).

9. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANTS**, the following trial and trial-related dates are:

- i. All motions in limine, proposed voir dire and jury instructions are due in District Judge Wilhelmina Wright's chambers **on or before March 8, 2021**. Counsel are advised that a pretrial notice will issue that will include additional deadlines.
- ii. This case shall commence trial on **March 22, 2021**, at **9:00 a.m.** before District Judge Wilhelmina M. Wright in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Wilhelmina M. Wright to confirm the new trial date.

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testimony.” D. Minn. LR 12.1(c)(3)(B).

**IT IS FURTHER ORDERED** that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court specifically finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court further finds that defense counsel is justified in needing the additional time to make an adequate factual inquiry for purposes of preparing for the pretrial motions hearing under 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv). The period of time from **January 27, 2021**, the original motion filing date, through **February 18, 2021**, the continued motion filing date, shall be excluded from the Speedy Trial Act computations in this case.

Dated: January 27, 2020

s/Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge